

AC  
File

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OLC 74-2079

24 September 1974

Honorable J. W. Fulbright, Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D. C. 20510

Dear Chairman Fulbright:

It has just come to my attention that an amendment to the Foreign Assistance Authorization Act (S. 3394) may be posed which could seriously curtail the capabilities of this Agency to function effectively in behalf of the national security interest of the United States.

The wording of the proposed amendment would be as follows:

"No funds appropriated under the authority of this or any other Act shall be used by any Agency of the United States Government, operating within the boundaries of any foreign country in violation of the laws of the United States or of said foreign country, or to encourage any other persons to violate said laws. The provisions of this amendment shall not apply to activities required for intelligence gathering necessary to the security of the United States."


Although the exact legal impact of the proposed amendment is not entirely clear it may well prohibit those actions undertaken in the past by this Agency at the direction of the National Security Council pursuant to section 102(d)(5) of the National Security Act of 1947. Such actions may include discreet support to assist America's friends against her adversaries. As I stated publicly to a group on Capitol Hill on 13 September 1974, I think it would be a mistake to deprive our nation of the capability of some moderate covert response to a foreign problem and to leave us no alternative between a diplomatic protest and sending the Marines.

Also, the exception provided for "intelligence gathering necessary to the security of the United States" is unduly restrictive and would terminate many of our intelligence activities which assist the United States to face the numerous political, economic, and security problems in the world today.

MORI/CDF

I thought you would want to be made aware of my views on this matter and the possible adverse impact of the proposed amendment on our nation's national security interests.

Sincerely,

  
W. E. Colby  
Director

Enclosure